



ANTHONY A. WILLIAMS
MAYOR

February 6, 2006

The Honorable Linda W. Cropp
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Cropp:

Enclosed for the Council's consideration and approval is the "Tobacco Settlement Trust Fund and Tobacco Settlement Financing Amendment Act of 2006". I am submitting this legislation along with five other pieces of related legislation to ensure completion of the National Capital Medical Center ("NCMC") project.

This new hospital is essential to creating a comprehensive, high-quality healthcare delivery system in the District of Columbia. It will improve the distribution of medical services across the city. In particular, it will expand access to emergency, trauma, inpatient, specialty, and diagnostic care for our poorest and sickest residents on the Eastern side of the District, who are currently medically underserved. Additionally, new NCMC emergency room capacity will take pressure off hospital ERs around the city, improving the District's emergency response capability. The NCMC will also ensure that the District's level one trauma facilities are not clustered in the same part of the city, which could be problematic in the event of a major disaster.

The Council initially directed me to pursue a new hospital with Howard University through emergency legislation in November 2003. Subsequently in May of 2004, the Council unanimously approved a Memorandum of Understanding between the District and Howard. In January 2006, President Patrick Swygert and I signed the Exclusive Rights Agreement (ERA) for the construction of the NCMC.

This Act amends the Tobacco Settlement Trust Fund Establishment Act of 1999 to authorize and otherwise provide for the transfer of certain monies to the Tobacco Settlement Financing Corporation. It also amends the Tobacco Settlement Financing Act of 2000 to authorize the Tobacco Settlement Financing Corporation to issue additional bonds to finance the costs of the National Capital Medical center or other capital projects. Upon passage of

this bill, and passage of an accompanying Council resolution—the District of Columbia Tobacco Settlement Financing Corporation Asset-Backed Bonds Authorization Resolution of 2006—the District plans to issue additional Tobacco Settlement bonds with proceeds expected to yield \$200 million to \$230 million. These proceeds are intended to be used to fund the District's grant of no more than \$212,168,000 to Howard University to build the National Capital Medical Center. By using Tobacco Settlement Trust Fund bond proceeds to pay for the NCMC, we will not increase the District's debt burden, we will not tap the general fund or any general fund surplus, and we will not increase taxes on District residents. Moreover, we will be using the Tobacco Settlement Trust Fund for a logical purpose, to address the healthcare needs of District residents.

In addition to the Tobacco Settlement Trust Fund legislation, I am introducing five other related pieces of legislation that will allow the District to complete the NCMC project with Howard: an exclusive rights agreement, a grant agreement, a lease agreement, a Certificate of Need exemption, and a resolution to authorize the issuance of new Tobacco Settlement Trust Fund bonds.

The six related pieces of legislation should be viewed by the Council as a package. They must all be approved in order to move forward with the National Capital Medical Center Project. I hope the Council will work with me to advance this hospital project, which is so important to the health and welfare of District residents. I look forward to Council action on the Tobacco Settlement Trust Fund legislation and the other related pieces of legislation this spring.

Sincerely,

A handwritten signature in black ink that reads "Anthony A. Williams". The signature is written in a cursive, flowing style.

Anthony A. Williams

Chairman Linda Cropp
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Tobacco Settlement Trust Fund Establishment Act of 1999 to authorize and otherwise provide for the transfer of certain monies to the Tobacco Settlement Financing Corporation and to amend the Tobacco Settlement Financing Act of 2000 to authorize the Tobacco Settlement Financing Corporation to issue additional bonds to finance the costs of the National Capital Medical center or other capital projects.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as "Tobacco Settlement Trust Fund and Tobacco Settlement Financing Amendment Act of 2006".

Sec. 2. Amendments.

(A) Subsection (a)(1) of section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code 7-1811.01(a)(1)) is amended to read as follows:

“(a)(1) There is established a trust fund designated as the Tobacco Settlement Trust Fund (“Fund”), to which shall be credited, without regard to fiscal year limitation:

(A) All revenue owed and accruing to the District from the payments under the tobacco litigation settlement agreement entered into on November 23, 1998 by the District of

Columbia and leading United States tobacco product manufacturers (“Settlement Agreement”)
except:

(i) The first \$16.05 million recognized as general fund revenue and
already included in the base budget in Fiscal Year 2000;

(ii) All payments under the Settlement Agreement sold to the District of
Columbia Tobacco Settlement Financing Corporation under § 7-1831.02; and

(iii) All payments under the Residual Bond sold to the District of
Columbia Tobacco Settlement Financing Corporation under § 7-1831.02;

(B) If the Residual Bond has not been sold by the Fund, all payments
received with respect to the Residual Interest, as the term is defined in § 7-1831.01(9);

(C) If the Residual Bond has been sold by the Fund, all payments received
under the Remainder Certificate, if any; and

(D) All other funds which are directed to be deposited into the Fund by law,
which shall include funds to be deposited into a Reservation 13 Benefit Area (“R13BA”) Health
Care account (“R13BA fund”) pursuant to Chapter 15 of Title 10.”

(B) Subsection (d) of section 2302a of the Tobacco Settlement Trust Fund
Establishment Act of 1999, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code 7-
1811.02(d)) is amended by striking the word “quarter” and inserting “year”.

(C) Subsection (b) of section 2302b of the Tobacco Settlement Trust Fund
Establishment Act of 1999, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code 7-
1811.03(b)) is amended to read as follows:

“(b) Unless otherwise directed by the Council, the funds of the Fund shall be used
as follows:

1 (1) Fifty percent of the sum of the residual interest received by the Fund
2 plus the annual savings from debt defeasance or prepayment shall be spent for purposes specified
3 in local law;

4 (2) Fifty percent of the sum of the residual interest received by the Fund
5 plus the annual savings from debt defeasance or prepayment shall be invested by the Board in
6 accordance with the standards of § 7-1811.02(h)(1);

7 (3) All of the investment earnings of the Fund shall be reinvested by the
8 Board in accordance with the standards of § 7-1811.02(h)(1);

9 (4) Any funds not spent in accordance with paragraph (1) of this
10 subsection shall be invested in accordance with paragraph (2) of this subsection;

11 (5) (A) All residual funds accumulated from fiscal years 2001 and 2002
12 shall be allocated to the General Fund during Fiscal Year 2003. Beginning October 1, 2002
13 through September 30, 2004, 100% of the residual shall be spent for purposes specified in local
14 law. For Fiscal Year 2003, 100% of the residual shall be transferred to the General Fund, and
15 100% of the annual savings from debt defeasance and prepayment, after being reduced by \$ 1
16 million to be allocated to the General Fund, shall be allocated to the Medicaid and Special
17 Education Reform Fund ("Reform Fund") established by § 4-204.53. For Fiscal Year 2004,
18 100% of the residual shall be transferred to the General Fund, and 100% of the annual savings
19 from debt defeasance and prepayment shall be allocated to the Reform Fund. Funds deposited in
20 the Reform Fund shall be disbursed to the Department of Human Services, the Child and Family
21 Services Agency, the Department of Mental Health, the Department of Health, and the District of
22 Columbia Public Schools only for spending pressures associated with the Medicaid, Medicare,
23 Foster Care and Adoption Assistance, and Special Education programs and in accordance with §

1 4-204.55. For fiscal year 2005, 100% of the residual and 100% of the annual savings from debt
2 defeasance and prepayment shall be transferred to the General Fund. Unless otherwise directed
3 by the Council, commencing in fiscal year 2006, 100% of the residual (unless the Residual Bond
4 has been sold) and 100% of the annual savings from debt defeasance and prepayment shall be
5 transferred to the General Fund. Unless the Residual Bond has been sold by the Fund, the
6 Council may direct all or a portion of the residual to be transferred to the Fund;

7 (B) For the purposes of this paragraph, the term:

8 (i) "Foster Care and Adoption Assistance" means the programs
9 authorized by Part E of Title IV of the Social Security Act, approved June 17, 1980 (94 Stat.
10 501; *42 U.S.C.S. § 670* et seq.).

11 (ii) "Medicaid" means the medical assistance programs authorized
12 by Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; *42 U.S.C.S. §*
13 *1396* et seq.), or by *D.C. Code § 1-307.02*, and administered by the Department of Health.

14 (iii) "Medicare" means the health insurance programs authorized
15 by Title XVIII of the Social Security Act, approved July 30, 1965 (79 Stat. 290; *42 U.S.C.S. §*
16 *1395* et seq.).

17 (iv) "Special Education" means services provided under *D.C. Code*
18 *§ 38-2501* to students who are classified as having a disability, as defined in *20 U.S.C.S. §*
19 *1401(a)(1)* or in *29 U.S.C.S. § 706(8)*;

20 (6) Beginning October 1, 2002, \$ 16,627,000 of programming funds shall
21 be reinvested by the Board; and

1 (7) If the Residual Bond has been sold by the Fund, 100% of the
2 residual shall be payable to the Corporation for so long as the Bonds issued to purchase the
3 Residual Bond are Outstanding.”.

4 (D) Section 2302b of the Tobacco Settlement Trust Fund Establishment Act of
5 1999, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code 7-1811.03) is amended by
6 adding new subsections (d) and (e) to read as follows:

7 “(d) For the purpose of financing the costs of the National Capital Medical
8 Center or other capital projects, and repayment of outstanding indebtedness issued for certain
9 capital projects and other undertakings of the District, the Fund may sell to the Corporation all of
10 the Fund's right, title, and interest in and to the Residual Bond, including all the moneys, and any
11 interest thereon, payable to or received by the Fund thereunder, in exchange for: (1) a cash
12 payment in the amount of the net sales proceeds of the Bonds (other than the Residual Bond) and
13 (2) the Remainder Certificate, if any.

14 (e) Subject to the authorization and restrictions of this subchapter, the terms and
15 conditions of the Residual Bond Purchase Agreement shall be determined by the Mayor, which
16 determination shall be conclusively evidenced by his execution of the Residual Bond Purchase
17 Agreement. The Mayor may execute and deliver any administrative or other documents or
18 agreements which are necessary or desirable relating to the sale of the Fund's right, title, and
19 interest in and to the Residual Bond or in connection with the issuance of the Bonds. Proceeds
20 from the sale of the Bonds and other moneys received by the Corporation pursuant to the
21 Residual Bond Purchase Agreement will be used to repay certain outstanding indebtedness of the
22 District, to finance or refinance the National Capital Medical Center or other capital projects or

1 undertakings of the District, to pay costs of issuance of the Bonds, to establish and fund reserve
2 funds, and to pay other expenses and fees related to the issuance of the Bonds.”.

3 (E) Subsection (1) of section 3702 of the Tobacco Settlement Financing Act of
4 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 7-1831.01(1)) is
5 amended to read as follows:

6 “(1) “Bonds” means the taxable or tax-exempt revenue bonds, notes, or other
7 obligations (including refunding bonds, notes, and other obligations), which may be issued on a
8 senior or subordinate basis and would include any instrument evidencing the Corporation's
9 obligations relating to the Residual Interest, authorized to be issued by the Corporation pursuant
10 to this subchapter.”.

11 (F) Section 3702 of the Tobacco Settlement Financing Act of 2000, effective
12 October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 7-1831.01) is amended by amending
13 subsections (6) and (7) and adding subsections (8) and (9) to read as follows:

14 “(6) “Remainder Certificate” means a certificate evidencing an interest in the
15 payments to be made under the Residual Bond after payment in full of all outstanding Bonds
16 secured thereby.

17 (7) “Residual Bond” means a Bond evidencing the Residual Interest.

18 (8) “Residual Bond Purchase Agreement” means a contract, as authorized under
19 § 7-1831.03, between the Corporation and the Fund, under which the Fund sells to the
20 Corporation all or a portion of the Fund’s right, title, and interest in and to the Residual Bond,
21 including all the moneys, and any interest thereon, payable to or received by the Fund
22 thereunder, in exchange for a cash payment from the net proceeds of the sale of the Bonds (other
23 than the Residual Bond) and the Remainder Certificate, if any.

1 (9) "Residual Interest" means that portion of any payments received by the
2 Corporation under the Master Settlement Agreement which is not annually required to:

3 (A) Defeas certain indebtedness of the District pursuant to the provisions of
4 the Purchase Agreement;

5 (B) Repay the holders of the Bonds (other than the Residual Bond);

6 (C) Establish, maintain, or replenish any reserve funds created in connection
7 with the issuance of the Bonds (other than the Residual Bond);

8 (D) Pay any other obligations of the Corporation (other than the Residual
9 Bond) incurred in connection with the issuance of the Bonds; or

10 (E) Pay the actual, reasonable, and necessary expenses of the Corporation.".

11 (G) Section 3703 of the Tobacco Settlement Financing Act of 2000, effective
12 October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 7-1831.02) is amended by amending
13 subsections (a) and (b) and adding subsection (c) to read as follows:

14 "(a) For the purpose of financing the costs of the National Capital Medical Center
15 or other capital projects, and the repayment of outstanding indebtedness issued for certain capital
16 projects and other undertakings of the District, the District may sell to the Corporation all of the
17 District's right, title, and interest in and to the Master Settlement Agreement, including all the
18 moneys, and any interest thereon, payable to or received by the District thereunder (except for
19 the first payment of \$ 16.05 million which has already been received by the District), in
20 exchange for: (1) a cash payment in the amount of the net sales proceeds of the Bonds (other
21 than the Residual Bond or Bonds secured thereby); (2) the Residual Bond; and (3) the agreement
22 of the Corporation to repay certain indebtedness of the District.

1 (b) For the purpose of financing the costs of the National Capital Medical Center
2 or other capital projects, and repayment of outstanding indebtedness issued for certain capital
3 projects and other undertakings of the District, the Fund may sell to the Corporation all of the
4 Fund's right, title, and interest in and to the Residual Bond, including all the moneys, and any
5 interest thereon, payable to or received by the Fund thereunder, in exchange for: (1) a cash
6 payment in the amount of the net sales proceeds of Bonds secured by the Residual Bond and (2)
7 the Remainder Certificate, if any.

8 (c) Subject to the authorization and restrictions of this subchapter, the terms and
9 conditions of the Purchase Agreement or the Residual Bond Purchase Agreement shall be
10 determined by the Mayor, which determination shall be conclusively evidenced by his execution
11 of the Purchase Agreement or the Residual Bond Purchase Agreement. The Mayor may execute
12 and deliver any administrative or other documents or agreements which are necessary or
13 desirable relating to the sale of the District's right, title, and interest in and to the Master
14 Settlement Agreement or in connection with the issuance of the Bonds. The Mayor may execute
15 and deliver any administrative or other documents or agreements which are necessary or
16 desirable relating to the sale of the Fund's right, title, and interest in and to the Residual Bond or
17 in connection with the issuance of the Bonds. Proceeds from the sale of the Bonds and other
18 moneys received by the Corporation pursuant to the Purchase Agreement or the Residual Bond
19 Purchase Agreement will be used to repay certain outstanding indebtedness of the District, to
20 finance or refinance the National Capital Medical Center or other capital projects or
21 undertakings of the District, to pay costs of issuance of the Bonds, to establish and fund reserve
22 funds, and to pay other expenses and fees related to the issuance of the Bonds.”.

1 (H) Subsection (b) of section 3704 of the Tobacco Settlement Financing Act of
2 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 7-1831.03(b)) is
3 amended to read as follows:

4 “(b) The purpose of the Corporation is to purchase all of the District's right, title,
5 and interest in (i) the Master Settlement Agreement, including all the moneys, and any interest
6 thereon, payable to or received by the District thereunder (except for the first payment of \$ 16.05
7 million which has already been received by the District) and (ii) the Residual Bond, issuing
8 Bonds to pay the purchase price therefor, and to repay certain of the outstanding indebtedness of
9 the District issued for capital projects and other undertakings. The Corporation may enter into
10 the Purchase Agreement, the Residual Bond Purchase Agreement and may perform any acts
11 necessary or convenient to effectuate their respective purposes, including financing the costs of
12 the National Capital Medical Center or other capital projects, repayment, refinancing, or
13 defeasance of certain indebtedness issued for capital projects and other undertakings.”.

14 (I) Subsection (c) of section 3704 of the Tobacco Settlement Financing Act of 2000,
15 effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 7-1831.03(c)) is amended by
16 adding the words “finance or” before “refinance” and the words “financing or” before
17 “refinancing” in the first sentence of paragraph (1), and by amending paragraph (2) to read as
18 follows:

19 “(2) Pursuant to § 1-204.90, subject to the restrictions of this subchapter, the
20 Council delegates to the Corporation the power to issue revenue bonds, notes, and other
21 obligations, including refunding revenue bonds at or before maturity, to finance or refinance, or
22 assist in the financing or refinancing of, the National Capital Medical Center or other capital
23 projects or undertakings of the District, which obligations shall be payable solely from, and

1 secured by, the payments under the Residual Bond sold under § 7-1831.02, including the power
2 to provide for the authorization, securing, sale, and issuance of the Bonds consistent with this
3 subchapter. This delegation is not exclusive and does not restrict, impair, or supersede the
4 authority otherwise vested by law in any District instrumentality.”.

5 (J) Paragraph (2) of subsection (c) of section 3704 of the Tobacco Settlement
6 Financing Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 7-
7 1831.03(c)) is renumbered as paragraph “(3)” and the new paragraph (3) is amended by striking the
8 word “and” at the end of subparagraph (B)(i) and inserting “and” at the end of subparagraph (B)(ii),
9 and adding a new subparagraph (B)(iii) to read as follows:

10 “(iii) Whether the Bonds are intended to be issued on a senior or subordinate
11 basis.”.

12 (K) Paragraph (3) of subsection (c) of section 3704 of the Tobacco Settlement
13 Financing Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 7-
14 1831.03(c)) is renumbered as paragraph “(4)” and the new paragraph (4) is amended to read as
15 follows:

16 “(4) The board may delegate to the Chief Financial Officer as a member of the
17 board the authority to prescribe the terms and conditions of the Bonds, including those referred
18 to in § 7-1831.03(c)(3), except that (i) the terms and conditions of the Residual Bond shall be
19 consistent with the provisions of the Purchase Agreement and shall provide that the Residual
20 Interest shall be paid to the Tobacco Settlement Trust Fund established by subchapter II of this
21 chapter and (ii) the terms and conditions of the Remainder Certificate, if any, shall be consistent
22 with the provisions of the Residual Bond Purchase Agreement and shall provide that the

1 payments under the Master Settlement Agreement after payment in full of all Bonds outstanding
2 shall be paid to the Tobacco Settlement Trust Fund established by subchapter II of this chapter.”.

3 (L) Paragraphs (4) and (5) of subsection (c) of section 3704 of the Tobacco
4 Settlement Financing Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official
5 Code § 7-1831.03(c)) are renumbered as paragraphs “(5)” and “(6)” respectively.

6 (M) Paragraph (6) of subsection (c) of section 3704 of the Tobacco Settlement
7 Financing Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 7-
8 1831.03(c)) is renumbered as paragraph “(7)” and the new paragraph (7) is amended to read as
9 follows:

10 “(7) The Bonds shall not constitute an indebtedness of the District. The Bonds are
11 not general obligations of the District and are not secured by a pledge of the full faith and credit
12 of the District and the holders of the Bonds may not require the levy or imposition of taxes. The
13 Bonds issued to purchase the District’s right, title and interest in the Master Settlement
14 Agreement are special obligations of the Corporation payable solely from, and secured by, the
15 payments received under the Master Settlement Agreement. The Bonds issued to purchase the
16 Fund’s right, title and interest in the Residual Bond are obligations of the Corporation payable
17 solely from, and secured by, the payments received under the Residual Bond. The Corporation
18 has no taxing power. The Bonds shall contain on their face a statement containing all of the
19 above. Nothing contained in the Bonds, or in the related financing or closing documents, shall
20 create an obligation on the part of the Corporation or the District to make payments with respect
21 to the Bonds from sources other than the payments received by the Corporation under the Master
22 Settlement Agreement or under the Fund under the Residual Bond, respectively.”.

1 (N) Paragraphs (7), (8), (9), (10), (11) and (12) of subsection (c) of section 3704 of
2 the Tobacco Settlement Financing Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C.
3 Official Code § 7-1831.03(c)) are renumbered as paragraphs (8), (9), (10), (11), (12) and (13)
4 respectively, and the new paragraph (10) is amended to read as follows:

5 “(10) The District pledges to the Corporation and the holders of the Bonds that the
6 District will (i) continue to diligently enforce the Model Statute against all tobacco product
7 manufacturers selling tobacco products in the District that are not signatories to the Master
8 Settlement Agreement, (ii) enforce the District’s rights to receive the payments to be made to the
9 District pursuant to the Master Settlement Agreement to the full extent permitted by the terms of
10 the Master Settlement Agreement, (iii) not amend the Master Settlement Agreement in any way
11 that would materially impair the rights of the holders of Bonds, (iv) not limit or alter rights
12 vested in the Corporation to fulfill agreements made with holders of the Bonds, or (v) not in any
13 way impair the rights and remedies of the holders of the Bonds until the Bonds, together with the
14 interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in
15 connection with any action or proceedings by or on behalf of the holders of the Bonds are fully
16 met and discharged. The Corporation may include this pledge of the District in any agreement
17 with the holders of the Bonds.”.

18 (O) Section 3705 of the Tobacco Settlement Financing Act of 2000, effective
19 October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 7-1831.04) is amended by designating
20 the first paragraph as subsection (a) and adding a new subsection (b) to read as follows:

21 “(b) The transfer of the Fund's right, title, and interest in and to the Residual
22 Bond to the Corporation or any assignee which the parties have in the governing documentation
23 expressly stated to be a sale or other absolute transfer shall be treated as an absolute transfer of

1 all of the Fund's right, title, and interest, as in a true sale, and not as a pledge or other financing,
2 of the Fund's right, title, and interest in and to the Residual Bond, including the moneys payable
3 or received thereunder and any interest thereon. The grant to the holders of the Bonds of a
4 security interest in, and a lien on, all of the Fund's right, title, and interest in and to the Residual
5 Bond, including the moneys payable or received thereunder and any interest thereon, the
6 provision by the Fund or the District of any credit enhancement with respect to the Bonds (other
7 than the Residual Bond), or the characterization of the transaction for accounting purposes or
8 securities regulation shall not impair or negate the characterization of any transfer as a true sale.
9 The transfer of the Fund's right, title, and interest in and to the Residual Bond to the Corporation
10 or any assignee shall be deemed perfected as against third persons having claims in tort, contract,
11 or otherwise, including any judicial lien creditors, when a sale or transfer of the right, title, and
12 interest in and to the Residual Bond in writing has been executed and delivered by the Fund to
13 the Corporation or any assignee.”.

14 (P) Section 3707 of the Tobacco Settlement Financing Act of 2000, effective
15 October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 7-1831.06) is amended to read as
16 follows:

17 “This subchapter shall expire on September 30, 2001, if the Bonds (other than the
18 Residual Bond) are not sold and issued. In the event of such expiration, all the assets of the
19 Corporation shall vest in the District.”.

20
21 Sec. 3. Severability.

22 As provided in the General Rule of Severability Adoption Act of 1983, effective March 14,
23 1984 (D.C. Law 5-56; D.C. Official Code § 45-201), if any provision of this act or the application of

1 this act to any person or circumstance is held to be unconstitutional or beyond the statutory authority
2 of the Council, or otherwise invalid, the invalidity shall not affect the other provisions or
3 applications of the act that can be given effect without the invalid provisions or application, and to
4 this end the provisions of this act are declared to be severable.

5 Sec. 4. Transmittal.

6 The Secretary to the Council shall transmit a copy of this act, upon its adoption, to the
7 Mayor.

8 Sec. 5. Fiscal impact statement.

9 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
10 statement required by § 602(c)(3) of the District of Columbia Home Rule Act, approved December
11 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(3)).

12 Sec. 6. Effective date.

13 This act shall take effect following approval by the Mayor (or in the event of veto by the
14 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
15 provided in § 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
16 1973 (87 Stat. 788; D.C. Official Code § 1-602.02(c)(1)) and publication in the District of
17 Columbia Register.